

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1: CR-00-173</b>
	:	
	:	
<b>v.</b>	:	
	:	
	:	
<b>JAMES ANTHONY HUGHES</b>	:	

**MEMORANDUM AND ORDER**

Before the court is Defendant's motion and brief in support of reconsideration of this court's order dated April 23, 2008, which granted Defendant a 20-month reduction of his term of imprisonment pursuant to 18 U.S.C. § 3582(c)(2) and 28 U.S.C. § 944(u). The current motion seeks a further reduction of sentence. The motion will be denied.

Federal Rule of Criminal Procedure 35(a) provides that "within seven days after sentencing, the court may correct a sentence that resulted from arithmetical, technical or other clear error." The amended sentence was dated April 23, 2008 and, therefore, the motion is not timely.

Federal Rule of Criminal Procedure 36 provides that the court "may at anytime correct a clerical error . . . or correct an error in the record arising from oversight or omission." Rule 36 is intended to allow correction of clerical errors, it does not provide for the reassessment of merits of an earlier decision after the time for appeal or reconsideration has elapsed. *United States v. Jones*, 608 F.2d 386 (9<sup>th</sup> Cir. 1979).

**IT IS THEREFORE ORDERED THAT** the motion for reconsideration (doc. 77) is **DENIED**.

s/Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge

Dated: August 5, 2008.